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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Lewis Abdul Kalim Sibomana,

Petitioner,

v.

Luis Rosa Jr.,¹ Nevada Southern Detention
Center Warden,

Respondent.

Case No.: 2:23-cv-00120-JAD-VCF

**Order Requiring a Motion to Proceed *In*
Forma Pauperis or Payment of the Filing
Fee**

Petitioner Lewis Abdul Kalim Sibomana, a federal prisoner, has submitted a petition for writ of habeas corpus under 28 U.S.C. § 2241.² Sibomana has not filed an application to proceed *in forma pauperis* (IFP) or paid the filing fee.³ As a result, this matter has not been properly commenced. Rather than dismiss this action without prejudice, I give Sibomana 30 days to either pay the \$5.00 filing fee or submit a complete IFP application with all required documentation.

IT IS THEREFORE ORDERED that Sibomana has until February 25, 2023, to file an application for leave to proceed *in forma pauperis*, accompanied by a signed financial certificate and a statement of his inmate account. In the alternative, Sibomana can, within the time allotted,

¹ Luis Rosa Jr., the warden of the Nevada Southern Detention Center, is substituted for Christopher Chestnut as the respondent in this case. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (holding that the default rule is that petitioner's current custodian is the proper respondent in habeas cases).


² ECF No. 1-1.

³ *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

1 pay the filing fee of five dollars from his inmate account and arrange to have a copy of this order
2 attached to the check for the filing fee. Sibomana's failure to timely comply with this order will
3 result in the dismissal of this action and denial of any motions without prejudice and without
4 further advance notice.

5 IT IS FURTHER ORDERED that the Clerk of the Court is directed to send Sibomana the
6 form for an incarcerated person to file an application form to proceed *in forma pauperis*.

7 Dated: January 26, 2023

8 
9 U.S. District Judge Jennifer A. Dorsey